

RESOLUTION NO. 2006-051

A RESOLUTION OF THE
GALLATIN COUNTY COMMISSION
TO ADOPT THE BOZEMAN PASS DEVELOPMENT
DISTRICT AND DEVELOPMENT PATTERN

WHEREAS, the Gallatin County Board of County Commissioners (Gallatin County Commission) received a request from greater than 60% of the affected freeholders for the consideration of a zoning district in the Bozeman Pass area to further the health, safety, and general welfare of the people of the Bozeman Pass area and Gallatin County; and

WHEREAS, the area described by the petition for the creation of the Bozeman Pass Zoning District encompassed approximately 20,000 acres located within Township 2 and 3 South, Range 6 and 7 East, PMM, Gallatin County, MT, and more particularly described as follows:

T.2S., R.6E.: SECTION 11 – E½; All of Section 12 & 13; SECTION 14;– E½ North of the northeasterly boundary of the railroad right-of-way excepting; therefrom the following parcels: Tract A of COS 976, Tract defined by COS 545, Parcel described in Film 31, Page 2716; Parcel described in Film 57, Page 564 and Book 156, Page 82. SECTION 23 – All that portion of the E½ northeasterly of the northerly right-of-way boundary of Interstate 90 and southeasterly of the centerline of Moffit Gulch Road. Also including the parcel described in Film 74, Page 1719. SECTION 24 – All that portion northeasterly of the southerly boundary of the railroad right-of-way and including all of COS 511. SECTION 25 – All that portion northeasterly of the southerly boundary of the railroad right-of-way. SECTION 33 – E½ and that portion of W½ shown on COS 1337. SECTION 34 – All. SECTION 35 – S½ and NE¼.

T.2S., R.7E.: SECTION 1 – SE¼, S½NE¼ and government lots 1 and 2. Also Tract A-1 of COS 1260A in the SW¼. SECTION 7 – All. SECTION 8 – All. SECTION 9 – government lots 9, 10, 11 and 12 and SE¼. SECTION 12 – All, excepting therefrom the following parcels: Tract B of COS 2012. Quinn Creek Properties, Lot 13. Quinn Creek Properties, Lot 11. Quinn Creek Properties, Lot 7. SECTION 13 – All W½ and all that portion of the E½ northerly of the southerly right-of-way boundary of Interstate 90 or the southerly boundary of the railroad right-of-way, whichever is more southerly, excepting therefrom the following parcels: Quinn Creek Properties, Lot 11. Quinn Creek Properties, Lot 7. Quinn Creek Properties, Lot 5. COS 717, Tract A. COS 717, Tract B. SECTION 14 – All that portion southerly of the southerly right-of-way boundary of Interstate 90, excepting therefrom Tract 1 of COS 639. SECTION 15 – All that portion of the N½ southerly of the southerly right-of-way boundary of Interstate 90, if any, and all S½ excepting therefrom COS 946. SECTION 16 – All. SECTION 17 – All. SECTION 18 –

All. SECTION 19 – All. SECTION 20 - All that portion northerly of the northerly right-of-way boundary of Interstate 90, excepting therefrom the following parcels: Parcel described in Volume 36, Page 527; filed September 15, 1906. Tract 1 of COS 1459. Tract A of COS 1344A. Parcel I and Parcel II described in Film 62, Page 2456; April 27, 1981. Tract described in Volume 98, Page 509; filed June 27, 1949. Parcel A of COS 2456. Parcel described on COS 2455. Parcel described in Volume 94, Page 82; filed July 20, 1946. SECTION 21 - All that portion northerly of the southerly right-of-way boundary of Interstate 90. SECTION 22 – All. SECTION 23 – N½ and SE¼. SECTION 24 – Lot 22 of COS 916, Tract 1A of COS 1684B, Tract 2A of COS 1684B, and Tract 3 of COS 1684A, only. All of sections 30, 31 & 32.

T.3S.. R.6E.: All of Sections 1, 2, & 3; SECTION 4 - S½, S½NE¼ and government lots 1 and 2. All of sections 9, 10, 11 & 12.

T.3S.. R.7E.: All of Sections 4, 5, 6, 7, 8 & 9; and

WHEREAS, on December 6, 2005 and pursuant to Section 76-2-101, Montana Code Annotated (MCA), after notice given, the Gallatin County Commissioners passed Resolution No. 2005-164, a resolution creating the Bozeman Pass Zoning District ("District"). Pursuant to 76-2-101(5) MCA, freeholders (representing 50% of the titled property) in the Zoning District had 30 days to protest the creation of the Zoning District. The protest period expired on January 5, 2006 with insufficient protests to block the creation of the Zoning District; and

WHEREAS, on January 12, 2006; March 9, 2006; and April 13, 2006 and pursuant to 76-2-104 and 76-2-106 MCA, after notice given, the Bozeman Pass Planning and Zoning Commission, having been duly created, held public hearings to establish a Development District, adopt the Development Pattern and Zoning Regulations and Zoning Map for the physical and economic development of the Development District; and

WHEREAS, the Development Pattern and Development Pattern Map for the Bozeman Pass Zoning District (the "Development Pattern") are intended to guide all types of future growth and development in the Bozeman Pass Zoning District. This Development Pattern, along with the Development District for the Bozeman Pass Zoning District ("Development District"), and along with the accompanying Bozeman Pass Zoning Regulations and Zoning Map ("Zoning Regulations") enhance the public health, safety, and general welfare by protecting the rural agricultural character of the District and by protecting the District's natural and scenic qualities; and

WHEREAS, the Development Pattern and Development District enhance the public health, safety, and general welfare by protecting, among other community assets, valuable wildlife habitat and migration routes. The information presented in the Development Pattern was used to develop the accompanying Development District and the Zoning Regulations, including the recommended densities; and

WHEREAS this Development Pattern, Development District and accompanying Zoning Regulations, with accompanying maps, show the Bozeman Pass Planning and Zoning Commission's recommendations for the development of the Zoning District and all sub-districts. The accompanying Zoning Regulations show the Planning and Zoning Commission's recommendations for which uses of land shall be lawful and which uses shall be unlawful as well as which types of buildings, trades, industries and callings are to be permitted or conditionally permitted. The Zoning Regulations also establish the height and bulk of future buildings as well as the area of yards, open spaces, and setbacks; and

WHEREAS, the creation of the Development District for the Bozeman Pass Zoning District is based on all the maps, charts, and descriptive matter that form the basis for the Development Pattern and all those maps, charts and descriptive matter form the basis for the creation of the Development District. The Development District includes the entire Bozeman Pass Zoning District. As such, the exterior boundaries of the Development District (described above) are the same as the exterior boundaries of the Zoning District, and include all lands that encompass all three zoning classifications: AR 40, AR 80 and PL 640; and

WHEREAS, the Development District encompasses all lands within the Zoning District because uniform application of the established Development Pattern and consideration of the entire Zoning District as a single functional element will further the public health, safety, and general welfare if the Development Pattern applies uniformly throughout the Zoning District. As described in Sections 1 and 2 of the Development Pattern (Introduction and Area History), the history and landscape of Bozeman Pass is more remarkable when considered as a functional whole, rather than as different, distinct functional elements; and

WHEREAS, other components of the Development Pattern require the creation of a single Development District. As described in Section 3 of the Development Pattern, the goals and objectives for the District apply uniformly to the entire District, regardless of the zoning classification. Likewise, as described in Section 4 of the Development Pattern, the issues regarding natural resources within the District are uniform throughout the District, regardless of zoning classification, as are the issues related to public services (Development Pattern, Section 5). Finally, as described in Section 6 of the Development Pattern, the Development Policies that form the basis for the Development Pattern and the Zoning Regulations and Map are to be applied uniformly throughout the District, again, irrespective of zoning classification; and

WHEREAS in accordance with 76-2-107 MCA, the Bozeman Pass Planning and Zoning Commission has, for the benefit and welfare of the County, prepared and submitted to the Gallatin County Commissioners drafts of resolutions for the purpose of carrying out the development districts or any part thereof previously adopted by the commission, including zoning and land use regulations, the making of official maps, and the preservation of the integrity thereof and including procedure for appeals from decisions made under the authority of such regulations and regulations for the

conservation of the natural resources of the County. The board of county commissioners is authorized to adopt such resolutions; and

WHEREAS on April 13, 2006, the Bozeman Pass Planning and Zoning Commission voted 4:3 (Skinner, Vance, and Buchanan opposed) to pass Resolution 2006-01; adopting the Development Pattern and Development District for the Bozeman Pass Zoning District, and recommending the Gallatin County Commission do the same; and

WHEREAS, on May 16, 2006 and pursuant to 76-2-104, 76-2-106 and 76-2-107 MCA, after notice given, the Gallatin County Commission held a public hearing to adopt a Development District, Development Pattern, Zoning Regulations and Zoning Map for the physical and economic development of the Development District. Notice of the May 16, 2006 County Commission hearing was published 15 days prior to the hearing in the *Bozeman Daily Chronicle* and notice was posted in at least three public places within the area affected.

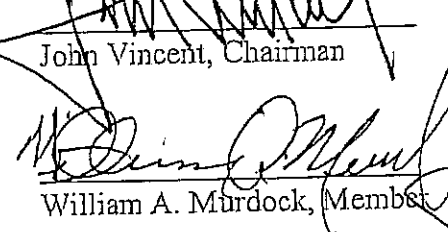
NOW THEREFORE BE IT RESOLVED:

The Gallatin County Commission approves this resolution of adoption of the Bozeman Pass Development District and Development Pattern.

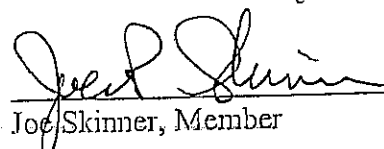
GALLATIN COUNTY COMMISSION


John Vincent, Chairman

5.16.06
Date

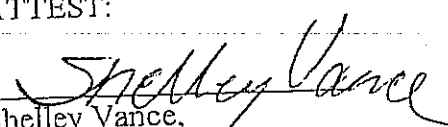

William A. Murdock, Member

5/16/06
Date


Joe Skinner, Member

5/16/06
Date

ATTEST:


Shelley Vance,
Clerk & Recorder